

The crime of habitual drunkenness under s. 360 of the Criminal C.

Abstract

The aim of this diploma thesis is to analyze complexly the problems associated with the legal regulation of the crime of drunkenness. The crime of habitual drunkenness or otherwise called the "Rauschdelikt" is an illustrative option of how to deal with the issue of an insane people, which act unlawfully and how to punish them. The person which commits an unlawful act in a state of insanity, committed an act of otherwise criminal, quasi-delict. Where the perpetrator has caused a state of insanity by consuming or applying an addictive substance. The above-mentioned concept of "Rauschdelikt" appears to be the best option, for the sake of consistency with the fundamental principles and principles of criminal law, the *nullum crimen sine culpa* principle.

The thesis is organized in individual chapters, which are gradually dealing with the historical development, and this crime does not present in modern criminal law no novelty; on the contrary, the institute of drunkenness has deep historical roots. The following chapters analyzes some individual basic terms that are necessary for the definition of a crime of habitual drunkenness and include and clarify the legal institutes that are close to and closely related to this crime, such as the Institute of Insanity or a detailed analysis of the term addictive substance, their manifestations and effects on the perpetrator and a detailed analysis of the expert opinion.

The merit of the thesis itself is the analysis of the current legislation on the crime of habitual drunkenness in the provisions of s. 360 of the Criminal Code, including the *actio libera dolosa* and *actio in libera in causa culposa* institutes, which constitute a certain construction of criminal law, which allows for the perpetrator to be penalized in the given situations despite its state of insanity, in a manner consistent with the generally applicable principles of criminal law.

In the last chapters of the diploma thesis are the possibilities of sanctions and penalties that can be imposed for the crime of habitual drunkenness.

Key words

Intoxication, quasidelikt, habit forming substance